

Remarks

This Amendment after Final is being submitted to correct typographical errors in claims 25 and 35. In claim 25, the term "first private key" was mistyped as "first private" in the previous Amendment (dated Jan. 12, 2004). In claim 35, the word "executable" was previously misspelled as "executagle" in the previous Amendment (dated Jan. 12, 2004). Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 9, 13-17, and 19-39 are pending in the application, of which claims 9, 16, 23, 24, 25, and 27 are independent. By the foregoing Amendment, claims 25 and 35 are sought to be amended to correct typographical errors, as indicated above. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 102

The Examiner, on page 4 of the Office Action, states that claims 9, 13, 16, 20-26, 27-31 and 33-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,367,012 to Atkinson *et al.* (hereinafter "Atkinson"). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed

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element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claims 9, 23, and 25, the Examiner states that Atkinson teaches every element of these claims. Applicant respectfully disagrees.

Contrary to the present invention, Atkinson does not teach or suggest every element of Applicant's invention. For example, referring to independent claims 9, 23, and 25, Atkinson does not teach or suggest at least the following claimed elements:

providing a first public key corresponding to the first private key to a control program; and

signing the control program, comprising the script and the first public key, wherein signing the control program comprises encrypting the control program using a second public encryption private key, wherein the second public encryption private key uses a second public key, the signature for the control program for hiding the first public key provided therein.

Atkinson does not teach or suggest providing a first public key corresponding to the first private key to a control program or signing the control program. Unlike the present invention, Atkinson does not teach a control program, and therefore cannot teach or suggest providing a first public key ... to a control program or signing the control program.

The Examiner states, on page 5 of the Office Action, that Atkinson shows signing the control program in FIG. 4. Applicant respectfully disagrees. FIG. 4 of Atkinson represents the executable file with the publisher signature (formed from the cryptographic digest or "hash" of the executable file) appended to the executable file and a publisher digital certificate attached to the publisher signature. *Atkinson*, FIG. 4; col. 6, lines 39-41, lines 51-52; col. 6, line 66 – col. 7, line 1. The publisher digital certificate includes a public key corresponding to the private key used by the publisher to sign the file.

Atkinson, col. 2, line 53 – col. 3, line 2; col. 7, lines 18-21. The digital certificate is encrypted with a private key corresponding to a certification agency public key. *Atkinson*, col. 3, lines 5-7; col. 7, lines 34-36. Thus, contrary to the present invention, *Atkinson* teaches signing the digital certificate, not signing a control program as taught in the present invention.

With respect to independent claims 16 and 24, *Atkinson* does not teach or suggest at least the following claimed element: verifying a public key cryptography signature associated with a control program comprising a script. As indicated above, unlike the present invention, *Atkinson* does not appear to teach or suggest the use of a control program and, therefore, cannot teach or suggest verifying a public key cryptography signature associated with a control program comprising a script.

The Examiner, on page 6 of the Office Action, states that this feature is shown in FIG. 6 of *Atkinson*. Applicant respectfully disagrees. Contrary to the present invention, FIG. 6 of *Atkinson* illustrates the verification of a signature associated with the digital certificate (*Atkinson*, col. 7, line 51 – col. 8, line 12), not a control program (as recited in claims 16 and 24). Thus, contrary to the present invention, *Atkinson* teaches verifying the signature associated with the digital certificate, not verifying the signature associated with a control program as taught in the present invention.

With respect to independent claim 27, *Atkinson* does not teach or suggest at least the following claimed element: providing the public key A to a control within the web page, wherein the control is signed using a private key B to hide the public key A. As indicated above, unlike the present invention, *Atkinson* does not appear to teach the use of a control in a web page, and therefore cannot teach or suggest providing the public key

A to a control within the web page, wherein the control is signed using a private key B to hide the public key A.

For at least these reasons, Applicant respectfully submits that Atkinson does not include each and every element of Applicant's claimed invention recited in independent claims 9, 16, 23, 24, 25, and 27. Therefore, independent claims 9, 16, 23, 24, 25, and 27, and the claims that depend therefrom, are patentable over Atkinson. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner, on page 7 of the Office Action, states that claims 17 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,367,012 to Atkinson in view of U.S. Patent No. 6,324,650 to Ogilvie. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claim 17 depends from independent claim 16 and is patentable over Atkinson for at least the reasons stated above. Furthermore, Ogilvie does not teach or suggest the features missing from Atkinson. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 17.

Claim 32 depends from independent claim 27 and is patentable over Atkinson for at least the reasons stated above. Furthermore, Ogilvie does not teach or suggest the features missing from Atkinson. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 32.

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The Examiner, on page 8 of the Office Action, states that claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,367,012 to Atkinson in view of U.S. Patent No. 6,546,487 to McManis. Claim 19 depends from independent claim 16 and is patentable over Atkinson for at least the reasons stated above. Furthermore, McManis does not teach or suggest the features missing from Atkinson. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 19.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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